

REMARKS

The office action of August 25, 2009, has been carefully considered.

It is noted that claim 2 is rejected under 35 U.S.C. 112, second paragraph.

Claim 6 is rejected on the grounds of nonstatutory obviousness-type double patenting over claim 6 of U.S. Patent No. 7,367,209.

Claims 1, 3-6 and 9 are rejected under 35 U.S.C. 103(a) over Bode et al. in view of Verbickas and Kajiwara et al.

Finally, it is noted that claim 2 would be allowable if rewritten in independent form.

In view of the Examiner's rejections of the claims, applicant has amended claim 2.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claim 2 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

Claim 2 has also been rewritten in independent form so that it is now in condition for allowance.

Relative to claim 6, applicant has submitted herewith a new terminal disclaimer disclaiming the terminal portion of any patent issuing on the present application which might extend beyond the expiration of U.S. Patent No. 7,367,209. With this submission it is respectfully submitted that the rejection of claim 6 on the grounds of nonstatutory obviousness-type double patenting over claim 6 of U.S. Patent No. 7,367,209 is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, although each of the references teaches one of the technologies recited in claim 1, there is no suggestion of combining these technologies into a single method for operating rolling stands in a tandem cold rolling mill, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 3-6 and 9 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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